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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-10-00039 SBA
	)	
Plaintiff,	)	STIPULATED REQUEST ORDER
	)	RESETTING BRIEFING SCHEDULE
v.	)	
	)	
TOMMY ANDRE GATES,	)	
a/k/a Tommy Gates Jr.,	)	
a/k/a Tommy Andre Gates Jr.,	)	
	)	
Defendant.	)	

BRIEFING SCHEDULE

On June 15, 2010, and at the parties' request, the Court set a briefing schedule for a possible motion to suppress evidence in this case. The parties jointly request that the Court modify the briefing schedule as follows: Defendant will file any Motion to Suppress Evidence by **June 29, 2010**; the Government's Opposition is due **July 20, 2010**; Defendant's Reply is due by **August**

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1 **3, 2010**; and the hearing on the motion is set for **September 7, 2010 at 9:00 a.m.** before this  
2 Court.<sup>1</sup>

3 The requested modification will allow both parties the time necessary for effective  
4 preparation of motions and to complete legal research. After yesterday's hearing, Government  
5 counsel realized she would be unavailable between July 1 - 5, 2010, and thus requests an  
6 additional week to respond. In addition, Defense counsel will be out of the office July 22 - 25,  
7 2010, and will not be in a position to work on this case during those days, and therefore requests  
8 an additional week for her Reply. Accordingly, the one week extension for the Government's  
9 Opposition and Defendant's Reply would provide both parties the reasonable time necessary for  
10 effective preparation, and defendant continuity of counsel, taking into account the exercise of  
11 due diligence. For this reason, the parties respectfully request the Court grant this modification.

12  
13 DATED: June 16, 2010

14 /S/  
15 SKYE DAVIS  
Special Assistant United States Attorney

16 DATED: June 16, 2010

17 /S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

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26 <sup>1</sup> With the agreement of parties in open court on June 15, 2010, the Court excluded time  
27 under the Speedy Trial Act from June 15, 2010, to September 7, 2010, due to both the pending  
28 motion to suppress, and to allow the Government time to complete its expert review of a firearm  
recovered in this case, as requested by the Defendant. The requested modification does not alter  
that time-frame.

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court HEREBY ORDERS that the briefing schedule set by the court on June 15, 2010 is vacated and instead the schedule is set as follows: Defendant will file any Motion to Suppress Evidence by **June 29, 2010**; the Government's Opposition is due **July 20, 2010**; Defendant's Reply is due by **August 3, 2010**; and the hearing on the motion is set for **September 7, 2010 at 11:00 a.m.** before this Court. The Court's order on June 15, 2010, excluding time between June 15, 2010, and September 7, 2010, remains unchanged.

DATED: 6/21/10

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge